

**BOROUGH OF WESTWOOD  
NOTICE**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk  
Borough of Westwood

**ORDINANCE NO. 09- 26**

**AN ORDINANCE TO AMEND SECTION 65C-49 OF THE  
LAND USE AND DEVELOPMENT REGULATIONS OF THE  
BOROUGH OF WESTWOOD**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Westwood that Section 65C-49(a)(1) shall be amended by the addition of the following paragraph:

Every application for development shall be accompanied by the payment of a fee as set forth on the Exhibit annexed hereto and made a part hereof entitled "Fees and Deposits" for Land Development applications before the Planning or Zoning Board of the Borough of Westwood. Application fees are not refundable. The administration of the professional escrow fees provided for herein shall be governed by Section 65C-50 of the Westwood Code.

Section 65C-52, Developer's Agreement, shall be amended to read as follows:

a. Whenever a land use approval is granted which includes construction within, or disturbance of the public right of way or any publicly owned infrastructure, or where the proposed on site construction activities have the potential for an adverse impact upon adjacent lands or the creation of a nuisance on the subject property, the developer shall be obligated to enter into a developer's agreement between the developer and the Mayor and Council which agreement shall be prepared, at the applicant's expense, by the Borough Attorney. Prior to preparation of the developer's agreement, the applicant shall post a deposit of \$1,000.00 in escrow with the Borough of Westwood to defray the initial expense of same. At or prior to the

execution of said agreement, or sooner in complex matters, the developer shall pay an additional amount into the escrow fund to defray expenses incurred by the Borough of Westwood. Such funds shall be administered in accordance with the Municipal Land Use Law.

b. In addition to the amounts required to be deposited for a developer's agreement, the developer shall also post estimated fees for inspections of improvements by the Borough Engineer in accordance with N.J.S.A. 40:55D-53, *et seq.* The amount requested for inspection escrow fees shall be an estimate based upon five (5%) percent of the cost of site improvements, both on site and within the municipal right of way but exclusive of any building construction. For those developments for which the inspection fees are less than Ten Thousand (\$10,000.00) Dollars, the fees may be paid in two (2) installments. For those developments for which the inspection fees are Ten Thousand (\$10,000.00) Dollars or greater, fees may be paid in four (4) installments. Administration and replenishment of the inspection escrow account shall be as set forth in N.J.S.A. 40:55D-53(h) and as provided for in N.J.S.A. 40:55D-53.1 through N.J.S.A. 40:55D-53.4.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Approved:

Attest:

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John Birkner, Jr., Mayor

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Karen Hughes, Borough Clerk

## **EXHIBIT TO ORDINANCE TO AMEND SECTION 65C -49**

### **65C-16.A FEES AND DEPOSITS.**

Proposals involving more than one (1) use shall pay a fee equaling the sum of the fees for the component elements of the plat. Proposals requiring a combination of approvals such as subdivision, site plan and/or variance shall pay a fee equal to the sum of the fees for each element.

### **PLANNING PHASE**

<b><u>A.</u> <u>NON-</u> <u>REFUNDABLE</u> <u>FEES</u></b>	<b><u>B.</u> <u>MUNICIPAL</u> <u>ESCROW</u></b>	<b><u>C.</u> <u>PROFESSIONAL</u> <u>ESCROW</u></b>
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<b>SUBDIVISIONS:</b>			
Minor:	\$250.00	\$250.00	\$1,500.00
Major:			
Sketch Plat	\$250.00	\$250.00 + \$75.00/lot	\$750.00
Preliminary Plat	\$150.00		\$1,500.00 + \$100.00/lot
Final Plat	\$500.00	\$100.00/lot	\$350.00/lot

<b>SITE PLAN:</b>			
Informal Plat	No Fee (1 Mtg. Only)		
Preliminary		\$250.00	\$3,500.00
Residential 1 to 10 Units	\$500.00		
Residential 11 to 100 Units	+ \$25.00/Unit		
Commercial/Industrial	\$500.00	\$250.00	
Final	\$250.00	\$250.00	\$1,000.00

Freestanding or Lighted Signs (not included in Site Plan)	\$25.00		\$250.00
C.O., etc.	\$50.00		\$500.00

<b>VARIANCE:</b>			
Hear and Decide Appeal	\$100.00	\$250.00	\$350.00
Interpretation of Zoning Map	\$100.00	\$250.00	\$350.00

<b>HARDSHIP VARIANCE:</b>			
One Family Residence	\$125.00	\$250.00	\$1,000.00
Other	\$250.00	\$250.00	\$3,000.00

<b>USE VARIANCE:</b>			
Residential Commercial	\$300.00	\$250.00	\$3,000.00
Conditional Use	\$250.00	\$250.00	\$3,000.00

<b>BUILDING PERMIT IN CONFLICT, ETC.</b>	\$125.00		
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<b>ANY OTHER APPLICATION TO PLANNING BOARD OF ZONING BOARD:</b>	\$100.00		
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<b>FEES AND DEPOSITS:</b>			
Residential Building Permit	Uniform Construction Code Fee Schedule	As Required	\$500.00
Swimming Pool Permit	Uniform Construction Code Fee Schedule	As Required	\$500.00
Site Improvement Permit	None	As Required	\$500.00
Soil Moving Permit	Soil Moving Ordinance	As Required	\$350.00
Sidewalk/Curb Replacement Permit	None	As Required	\$350.00
Signs	UCC	As Required	\$350.00

\*For TAX MAP REVISION extra copies of minutes and/or tapes, transcripts.

**65C-19. DEVELOPER'S AGREEMENT**

As per Municipal Land Use Law (40:55D-53.1)

Inspection Escrow Fee to be based on Five (5%) Percent of cost of improvements, i.e.,:

On Site	\$ _____
Off Site	\$ _____
Municipal Improvement	\$ _____
Total	\$ _____

Performance Bond Amount

At 120%	\$ _____
At 5%	\$ _____

If under \$10,000.00, post in two (2) equal installments.

If under \$10,000.00, post in four (4) equal installments.